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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,373	03/10/2005	Josef Schmidt	12604/13	5577
26646	7590	05/03/2007	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			ABRAMS, NEIL	
		ART UNIT	PAPER NUMBER	
		2839		
		MAIL DATE	DELIVERY MODE	
		05/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/527,373	SCHMIDT ET AL.
	Examiner	Art Unit
	Neil Abrams	2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 2-7-07  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 13 - 25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 13 - 25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

The objection to the abstract is believed proper and is repeated. Claim 22, line 6, "in" is incorrect.

Claims 18-19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18, lines 7 and 8 are incorrectly expressed.

Claims 19-20 are improper in that they further limit the data storage unit, however such unit is only set forth in claim 18 as an option, not as part of the device.

Claims 13-25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Walsh alone or taken in view of Guttmann.

Walsh includes a housing, fig. 7 with a hood 42 having an opening on right end, a connection box at 46, 52 with "openings" for contacts 66, an electronics insert at 12, 18, 54 etc, the connection box and insert having plug in connectors at 62, 66. Walsh adequate under 35USC 102, but, for claim 1 or others should issues arise, recited features could also be read as obvious variations of Walsh device.

- As alternative, note connector box "opening" at 50. Guttman uses flat plate box cover at 80. Obvious to form 46 as such flat plate with opening 50 then being in direction of hood opening. This would simplify the structure.

As second alternative, also obvious to use opening in part 52 for purging step. This would only be change of one feature for its equivalent.

For claim 13, obvious to mount Walsh with hood opening facing down, as the device is for use in all orientations; also claim 13f, g and I seem met by Walsh hood.

Claim 14, hood 42 is one piece.

Claim 15 (b) reads on hood 42.

Claim 22 (d) reads on Walsh used with 46 downward.

Claim 23, note seal 48. Obvious to use two seals for improved protection from water.

For claims 16-20, the material 32 provides sealing for the electronics insert and the insert is in upper part of hood 42.

Also for claims 18-20, the insert may be used with all types electronic components.

Claim 24 relates to intended use.

Claim 25, the Walsh electronics is to cover varied types of circuits.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Schultz.

As alternative rejection, Walsh lacks vanes (heat sink). Schultz has such feature at 16. Obvious to add such feature to Walsh hood to increase cooling.

Arguments submitted with response are moot in view of new reference.

Arguments refer to "cable feed opening" but note that claims only require "opening"

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Abrams whose telephone number is 571-272-2089.

*N. Abrams*  
NEIL ABRAMS  
PRIMARY EXAMINER